

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
May 18, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on May 18, 2009 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, R.N., F.N.P., Ph.D, Vice President
Peregrin Francisco, R.N. F.N.P.
Joyce A. Hahn, Ph.D.; APRN, NEA-BC
John M. Horn, L.P.N.
G. Maxine Ponn, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)
Brenda Krohn, R.N., M.S. Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Practical nursing students from National School of Nursing; Registered nursing students from Thomas Nelson Community College

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

FORMAL HEARINGS:

Stephanie Thomas, L.P.N. 0002-059265
Ms. Thomas appeared.

Mary Beth Shelton, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:55 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Thomas. Additionally, Ms. Francisco moved that Ms. Krohn, Ms. Mitchell, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:15 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Shelton and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing reprimand Ms. Thomas in her practice as a practical nurse.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Frederick Amoh, L.P.N. 0002-075176

Mr. Amoh appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Sue Zilch, R.N., Senior Investigator, Department of Health Professions; Sandra Miller, R.N., Director of Nursing, Birmingham Green; April Keys, L.P.N. Preceptor Coordinator, Birmingham Green; Diane Bangham, R.N., Pharmacy Consultant, Williamson Pharmacy were present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:05 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Amoh. Additionally, Ms. Francisco moved that Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:25 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing revoke the practical nursing license of Mr. Amoh.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:30 P.M.

RECONVENTION: The Board reconvened at 2:15 P.M.

Ms. Lee left the meeting.
Ms. Douglas and Ms. Davis joined the meeting.

FORMAL HEARINGS: **Donna M. Boxley, L.P.N. 0002-068726**
Ms. Boxley appeared, represented by attorney, John Davidson.

James Schliessmann, Assistant Attorney General and Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions; Corinne Blosser, Patient Care Technician, Augusta Medical Center were present and testified. Diane Moody, Director of Nursing, Augusta Medical Center testified by telephone.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:13 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Boxley. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:35 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Schliessmann and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing reprimand Donna Boxley.

The motion was seconded and carried. Ms. Francisco, Dr. Hahn, Mr. Horn and Dr. Selig were in favor of the motion. Ms. Ponn opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Jane Miller, R.N. 0001-202390**
Ms. Miller appeared.

Wayne Halbleib, Assistant Attorney General and Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Martha Miller, L.P.N., Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 4:20 P.M. for consultant with and the provision of legal advice by the Assistant Attorney General in the matter of Jane Miller. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened at 4:42 P.M.

Courtney Fuller, Assistant Director of Pharmacy, Henrico Doctors Hospital; and Shannon Gilkins, R.N., Assistant Clinical Coordinator, Henrico Doctors Hospital Forest Campus were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:46 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Miller. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:07 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Halbleib and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing make findings of fact and conclusions of law but impose no sanction in the matter of Jane Miller.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Davis left the meeting.

FORMAL HEARINGS:

Annie L. Mayberry, R.N. Reinstatement Applicant 0001-053854
Ms. Mayberry appeared.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Pat Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:52 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Mayberry. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 7:07 P.M.

Ms. Davis re-joined the meeting.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.
The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing reinstate the professional nursing license of Annie Mayberry with no restrictions. Said license will be valid in Virginia only.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas left the meeting.

FORMAL HEARINGS: **Diana Hughes Kelly, C.N.A. Applicant**
Ms. Kelly appeared.

Ann Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Dawn France, Case Manager, Health Practitioners Intervention Program was present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:37 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Kelly. Additionally, Ms. Francisco moved that Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 7:55 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing approve the application of Diana Kelly to sit for the NNAAP examination and upon successful completion of the exam, issue an unrestricted certificate to practice as a nurse aide.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 8:00 P.M.

RECONVENTION: The Board reconvened at 8:25 P.M.

FORMAL HEARINGS:

Nicole R. Wimmer, R.N. 0001-192711

Ms. Wimmer did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Kara Franco, Case Manager, Health Practitioners Intervention Program testified by telephone. Nancy Vanhoozer, R.N., Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wimmer. Additionally, Ms. Francisco moved that Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 8:57 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing revoke the professional nursing license of Nicole Wimmer.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Melinda Edmonds Hardy, R.N. Reinstatement Applicant 0001-174063

Ms. Hardy appeared.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Patricia Sheehan, R.N., Senior Investigator, Department of Health Professions and Lynne Austin, R.N., Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:06 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hardy. Additionally, Ms. Francisco moved that Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:28 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing reinstate the professional nursing license of Melinda Hardy and issue a reprimand to Ms. Hardy.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 10:30 P.M.

Gloria Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director